

The property of a corporation, as well as that of an individual, is subject to be taken for public uses, under the power of eminent domain. (b)

What is such a public use as authorizes the taking of private property to be so applied.

Where there are several public uses, the exercise of the power of eminent domain may be so limited as to preserve them all.

A corporation considered as a mere citizen owner, within the meaning of the authority to exercise the power of eminent domain.

THIS bill was filed in Baltimore County Court on the 25th of August, 1831, by The Bellona Gunpowder Company of Maryland, against The Baltimore and Susquehanna Railroad Company. The bill states, that the plaintiffs are a body politic existing as such under the Acts of 1814, ch. 78, and 1824, ch. 32; that the objects of their incorporation were the manufacturing and vending of gunpowder, and the carrying on of any other branches of manufacture in their discretion; for which purpose they were authorized to purchase and hold lands, in fee simple or otherwise, not exceeding one thousand acres, and to erect thereon all needful buildings; under which authority they had purchased a tract of land in Baltimore County, containing less than one thousand acres, on which they had erected mills and buildings needful and convenient for the manufacture of gunpowder; that the plaintiffs had invested in this manufactory, in real and personal property, from seventy to eighty thousand dollars; that the defendants were incorporated by the Act of 1827, ch. 72, by which they were authorized to construct a railroad from the City of Baltimore to some suitable point on the Susquehanna River; under which authority they had located their road nearly a mile over the land of the plaintiffs, so as to require the removal of one of their buildings used for the purposes of their gunpowder manufactory; that if the defendants were permitted to construct their road as thus laid out, it would stop the works of the plaintiffs for a length of time, and not only prevent them from manufacturing the materials on hand, but oblige their present customers to form connexions with other establishments; and that *such was the nature of the manufac-
443 tory, and the hazard of carrying it on, that workmen could not be procured to carry it on, if subjected to the increased hazard, consequent upon such a thoroughfare as a public railroad running near or through the works; that the construction of the road as located, would be destructive, and in violation of the plaintiffs' chartered rights; that it might be located in a different way, so as to avoid any collision with the works of the plaintiffs, and at very little, if any, additional expense to the defendants; that the Legislature of Maryland had no right or power, of themselves and

(b) Approved in *West River Bridge Co. v. Dix*, 6 Howard, 542; *R. R. Co. v. Gaslight Co.* 63 N. Y. 334. Cf. *Greenwood v. Freight Co.* 105 U. S. 13.